

Deadly business

If you kill, maim or hurt someone, you can expect to go to jail. Except if you employ that someone. Unions worldwide say employers shouldn't be allowed to get away with this workplace assault – and have the workplace safety criminals in their sights. TUC's Owen Tudor reports.

Two million workers die each year through work-related accidents and diseases – and that is just the tip of the iceberg, says the International Labour Organisation (ILO). Around the world, unions have been campaigning for employers to be made (more) responsible for workplace injury and illness.

Employers are, in ILO terms, already the duty-holders who should establish a good working environment. But they have failed time and time again to do this, so unions are demanding around the world that they be held to account for their actions.

The issue of corporate social responsibility has surfaced in both the developed and less developed economies. It has exploded in the US as an issue where runaway Enronomics has seen corporations, jobs and pensions disappear amidst a frenzy of paper shredding and executive finger pointing.

But despite union campaigns, doing away with the workers rather than the profits has never been recognised as a real workplace scandal.

Some people in the business community want



photo: Daniel O'Leary

to adopt policies on corporate social responsibility – CSR – as a substitute for legislation. Where that goes beyond the legislative minimum, that's OK.

But the international trade union movement

now wants real corporate accountability, which means that employers who break the law should be treated like any other law breaker. And when they have killed someone who works for them, they should

Workers' Memorial Day 28 April 2003

In Britain, the TUC will be calling for:

- ◆ Tougher enforcement of health and safety laws and higher fines;
- ◆ corporate killing legislation, and the extension of the possibility of a jail sentence for all breaches of health and safety law;
- ◆ more powers for union safety reps to influence how health and safety is managed at their workplace; and
- ◆ more inspectors to enforce the law

South Africa: A prolonged legal battle by 7,500 claimants over five years has still failed to secure asbestos compensation from UK multinational Cape plc. Archie Palane of the National Union of Mine-workers in South Africa said: "There are too many multinational companies neglecting the health and safety of their workers in their raw pursuit of profits – this case should offer a valuable lesson to those companies who continue this form of inhumane exploitation today."

Canada: There is already a parliamentary bill in Canada on corporate accountability for health and safety crimes. The union campaign, spearheaded by the Canadian Labour Congress (CLC), has focused on the 1992 Westray explosion (page 5). CLC's Hassan Yussuff told the Canadian parliament's Standing Committee on Justice and Human Rights this year that "effective legislation would... serve as a warning to directors and officers of a corporation that avoiding responsibility is itself a crime."

Brazil: After the Petrobras oil platform explosions off Brazil in 2001, global union federation ICEM reported the comments of local union FUP: The Petrobras management is "clearly responsible" for the series of disasters, França Rubem insisted. The "brutal subcontracting implemented within the company", in tandem with the "criminal cutbacks in the regular workforce", has "multiplied the risks already inherent in this sector."

Bangladesh: A fire at Chowdhury Knitwear Ltd's garment factory in 2000 left 48 dead and hundreds injured.



UNIONS TARGET
WORKPLACE
CRIMINALS

DIRECT TO JAIL

Canadian law professor Harry Glasbeek of York University, Ontario, has called this year for company directors and their shareholders to be called to account where safety breaches cause harm to workers.

"I would suggest we go as far as charging the shareholders of grossly negligent companies. Just as you would charge someone who benefited from the criminal behaviour of a thief by receiving stolen goods," he said. "The employer has limited risks, certainly no physical ones and the costs are usually passed onto workers and consumers. So the people who take the most amount of risk have the least to say.

"Unions need to campaign for joint health and safety committees with worker majority. There should be a universal compensation system and criminal penalties for grossly negligent employers."

The 3 July issue of the US bulletin *Focus on the corporation*, commenting on US government proposals to act against corporate financial abuses, says: "What's happening with consumer rip-offs, sales of unsafe products, endangerment of workers, pollution of the environment? Cracking down on corporate crime – the mantra of the moment – cannot be limited just to financial crime, already the most policed form of corporate wrongdoing" (*Hazards* 79).

And in the UK, the Centre for Corporate Accountability has argued strongly for new laws that put Directors' duties to their workers on a par with their duties to shareholders (page 7).

NO-ONE PAYS AFTER 26 DIE

The families of the 26 Westray miners who were killed in a Canadian mine disaster a decade ago have lost their final battle against the provincial Nova Scotia government.

The Supreme Court of Canada refused in August 2002 to hear their lawsuit against the province, which means the families cannot sue the provincial government. The miners' relatives went to the supreme court claiming the province failed to ensure the coal mine was safe.

The lawyer for the families, Ray Wagner, says the families have two options left: They can sue the federal government and they can seek compensation for other family members not governed by the Compensation Board. Families of the coal miners have received only what they are entitled to under Workers' Compensation Board rules.

go to jail for it.

Next year's International Workers' Memorial Day, 28 April, will focus on this theme, and trade unions around the world will be drawing attention to the way corporate bodies – pub-

lic and private sector – kill, maim and infect their workforces, often with impunity.

Unions and campaigners will be encouraged to let workers know that we are fighting for their health and their lives. Families

of victims will be involved, and politicians and media will be targeted to get our message across.

◆ TUC WMD page: www.tuc.org.uk/h_and_s/index.cfm?mins=293
Also see pages 17-20.

After the fire a working group was set up to campaign for the victims and their families and for institutional reform on health and safety. According to ITGLWF general secretary Neil Kearney, the blame is shared by the government and the international buyers and retailers who profit from sweatshop conditions.

Thailand: On 10 May 1993, 188 workers were killed and 460 injured in the Kadar factory fire in Thailand. This was the worst factory fire in history, and despite international outrage at the time, workers in Thailand are still not receiving proper health and safety protection.

Australia: Unions have called for legislation on corporate manslaughter in several states. Draft laws have already been proposed in the state parliaments in Victoria, New South Wales and Queensland. The union campaign was given impetus by the finding in September 2001 that Exxon was responsible for two deaths in a "grievous, foreseeable and avoidable" 1998 explosion at its Longford, Australia, Esso plant.

Italy: Charges of "massacre" against managers of a PVC factory where unions exposed an epidemic of work-related cancers, failed in the courts in November 2001.

Corporate cowboys

Killer on the run: A court in the Indian city of Bhopal has rejected an attempt to reduce charges against a US former Union Carbide official arising out of one of the world's worst industrial disasters, linked to more than 20,000 deaths. The Indian government had wanted the culpable homicide charge against the company's former CEO, Warren Anderson, to be reduced to negligence. Bhopal campaigners are now asking for tip offs as to the whereabouts of Anderson, who is in hiding and classed by authorities in India as "an absconder."

Warren Anderson sightings e-line: ukjusticeinbhopal@virgin.net

BP accused: BP has been accused by some of its workers of taking risks with their safety following an Alaskan well explosion that left one worker seriously injured. Representatives of PACE, the BP Prudhoe Bay local union, said chronic staff shortages had meant the oil group has been operating wells suffering from pressure problems without adequate safety tests. The 16 August explosion threw operator Don Shugak 50 feet from a well, causing burns and several broken bones. Authorities are investigating whether BP is in breach of its probation for an earlier environmental crime.

Reality cheque: The jailing of an Australian worker for making a false workers' compensation claim while killer employers walk free shows official safety agencies have lost touch with reality, the New South Wales Labor Council has said. Labor Council secretary John Robertson blasted the jailing of a 24-year-old man for six months for making a false physiotherapy claim worth Aus\$ 1,018 (£360). "We have WorkCover [the state's HSE] crowing about locking a young man up over \$1,000 at the same time they are telling us there are no legal grounds to jail employers and company directors implicated in workplace deaths." He added: "The justice system is telling workers that \$1,000 is worth more than a worker's life."